

THE ATTITUDE OF SOCIETY

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the Tangkhul by fine, amounting to six cows. At Jessami⁰⁰⁰ in the Mao group the offender has to make a short sojourn away from his house, but not necessarily outside the village; while at Liyai he is banished from the village. At Mao his punishment is seven years' banishment from the village and a fine of five cows. At Maikel banishment for one year and a fine of five cows, while murder ensuing in the heat of passion in a quarrel is punished with seven years' banishment and a fine of ten cows. The Mayang Khong people exact only a fine of one cow in cases of accidental homicide. Both the Chiru and the Marring impose a heavy fine in such cases, part of the fine being compensation to the relatives of the dead man and the rest being consumed by the village in the course of the settlement of the matter. In some cases the weapon or other lethal instrument is forfeited to the relatives—a proceeding reminiscent of the law of Deodand.¹

In former years adultery was commonly punished, so far as the male offender was concerned, with death and this proceeding gave no occasion for a feud. Among the Tangkhul theft was at one time punished with death, if the offender was caught in the act. Nowadays a fine is held sufficient. Arson is penalized and is considered so serious that even when it is accidental, a heavy fine is demanded.

In Bastar also it was formerly the custom for the people⁶²⁷ to take the law into their own hands and where necessary to⁶⁸³ pay compensation for doing so to the local authorities. In fact, the older Maria still remember how in the days of their grandparents compensation for murder was paid to the Jia (the high priest) of Dantewara or to the Nengi and Hikmi (State representatives) at Mailawada. A very old man at Harmamunda described how, 'In the old days when a witch was caught, her hands were cut off; and she was taken to the Nengi and Hikmi who were paid eight female calves. If a man was found practising black magic, his teeth were first knocked out with a large bone, and then the bone itself was pushed into his mouth until he died'. The idea was that he had done his evil with the purpose of 'eating' or gain and so he was given a bone to eat. When this happened, the

¹ T. C. Hodson, *The Naga Tribes of Manipur* (London, 1911), pp. 106 f. For an account of the attitude of society and 'judicial murder' in Papua, see F. E. Williams, 'Group Sentiment and Primitive Justice', *American Anthropologist*, Vol. XLIII (New Series), pp. 523 ff.

627 Nengi and Hikmi received eight male calves. 'Sometimes
683 the witch or sorcerer had all their teeth knocked out, their mouths were burnt with hot oil, and they were banished from their village. With this mark upon them no one would shelter them. Yet another method of dealing with a witch was to tie her up in a sack and throw her into the river'. In another village I was told how a witch was wrapped up in straw and burnt alive.

An old man at Dhurli described how his brother had been killed by a witch's magic. When the Waddai confirmed this, his father killed the witch and paid compensation of four female calves to the Jia.

At Phulpar the headman said that in the old days they used to break the teeth of a witch, shave her head, cut her forehead with a broken bangle and so drive her from the village. Similarly I was told in several places in Konta Tahsil that the people used to cut a witch's nails, shave her head and drive her away. They would confiscate her property and often kill her. There has never been any doubt whatever in the minds of Maria with whom I have discussed this matter that a witch or a sorcerer ought to be punished with death, and that the public were perfectly justified in taking the law into their own hands in a proved case of witchcraft.¹

627 There are probably many cases never discovered by the
682 police that are settled by the Maria panchayat. In others, after everything has been settled by the panchayat, the police have discovered that a crime has been committed. There were as many as 12 such cases out of our 100. And they are instructive. For example, when Mundra killed his wife the villagers fined him a feast of rice and a calf, and then assisted him in cremating the corpse. When Koliha

¹ An interesting parallel is furnished in a note by the late Rai Bahadur Hira Lal on a Report by a certain Captain Sinnock about conditions in the Surguja State in 1818, of which he was then in charge. A landholder named Parbel Sahy had ordered a witch to be put to death. During his trial the Court asked him, 'Do you know that he who is the author of murder commits a great crime?', to which he replied, 'I know that it is a very great crime to commit a murder, but in my country, Surguja, it is no crime to kill a witch'. Sinnock reported the most drastic witch-tests, including the ordeal by water and a test wherein the suspect had to spout milk from the mouth onto a pipal leaf. Hira Lal 'Witches and their Ordeals', *Nava Itihas*, Vol. VI (1926), pp. 295 ff.

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killed Bondki, the wife of Dasru, a panchayat was held by 627 •
the Pargana Manjhi, and the husband of the murdered woman 632
was given five rupees, a bullock, a pig and some rice. The
panchayat received twenty rupees, of which the Pargana
Manjhi and the village Peda took five each, the Kandki
(headman's assistant) four and the Kotwar one. The
villagers then decided to hush up the incident, and it only
came to the ears of the police through an informer. When
Kartami Hirma killed his baby daughter while he was beating
his wife, the panchayat demanded a fine of twentyfive rupees
in consideration of which they agreed to hush the matter up.
The accused paid five rupees on account and promised the
rest within a month. The panchayat even seized the stick
with which the beating had been done. Then the Kotwar
reported that the child had been still-born.

When Poriarni Handa was killed, the villagers forced his
widow to accept compensation from the murderer and to keep
the matter a secret. But she told what had happened to
her brother-in-law, and he reported the matter to the police.
In another case a group of men who had been involved in
a robbery killed two of their number to prevent them giving
them away. The headman was the cousin of one of the
murderers. He called the people of the village together and
persuaded them to agree to say nothing about the incident,
and it was only through the efforts of the father of one of
the victims that the matter came to light. Even then the
headman attempted to bribe the police. In this case the
only reason for concealment seems to have been the friend-
ship of the headman for one of the people involved. A similar
reason seems to have influenced the villagers in another
murder. When Miriami Harma fell into a rage at being
accused of theft at a panchayat, he snatched his baby daughter
out of the arms of his wife, and holding her by the legs
dashed her on the ground, killing her immediately. Possibly
the members of the panchayat feared that they would be
involved, and the next day the murderer and the Kotwar
went to the police station and reported that the child had
been bitten by a cobra.

Where the murderer is a man of influence in the village, 626
such as one of the civil or religious headmen, he may attempt
to force the people to conceal his crime. Manjhi Banda was